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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,398	06/24/2002	Chandan Das	112740-519	7628

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EXAMINER	
RAMAKRISHNAIAH, MELUR	
ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/049,398	DAS ET AL.	
	Examiner	Art Unit	
	Melur Ramakrishnaiah	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *17-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *17-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2-11-02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 17-19, 20, 21-22, 26-27, rejected under 35 U.S.C. 103(a) as being unpatentable over Kuzama (US PAT: 5,951,637) in view of Weinstein et al. (US PAT: 6,035,020, filed 8-26-1997, hereinafter Weinstein)

Regarding claim 17, Kuzama discloses a method for providing a narrowband data link for transmitting data between a subscriber terminal and a data network linked to a digital telephone exchange of a public switched telephone network, the method comprising the steps of: connecting the subscriber terminal in analog to digital telephone exchange (not shown), and providing the narrowband data link to the subscriber terminal (110, figs. 1-2) as a permanently available link (col. 3 lines 28-67, lines 18-21).

Kuzama differs from claim 17 in that although he implicitly teaches always on connection between PC and internet services provider to receive email or other notifications (col. 3 lines 51-66), he does not explicitly tech the following: the narrowband data link is not switched through by telephone exchange, and wherein a user channel connection between the subscriber terminal and data network is not switched via the public switched telephone network.

However, Weinstein discloses modem data call bypass of a telephone network voice switch which teaches the following: the narrowband data link is not switched through by telephone exchange, and wherein a user channel connection between the subscriber terminal and data network is not switched via the public switched telephone network (fig. 1 col. 5 lines 1-24).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Kuzama's system to provide for the following: : the narrowband data link is not switched through by telephone exchange, and wherein a user channel connection between the subscriber terminal and data network is not switched via the public switched telephone network as this arrangement would provide means to alleviate congestion and traffic overload of existing telephone network switches that is cost effective and does not require new equipment or changes in facilities at subscriber location as taught by Weinstein (col. 1 lines 44-48).

Regarding claim 18, 20, 26, 27, Kuzama further teaches the following: step of providing a virtual data link via a separate data network for transmitting data between access unit (not shown) existing in the digital telephone exchange for connecting the subscriber terminal (110, fig. 1) and an access point to the data network (113, col. 3 lines 19-27), providing at least one switched dial-up connection, via which IP packets can be transmitted , for transmitting data between an access unit existing in the digital telephone exchange for connecting the subscriber terminal and an access point (col. 3 lines 61-67, col. 4 lines 1-9), adding and terminating a user channel, as a result of at least one of a request and transmission bandwidth needed, between a subscriber

terminal and an access point via digital telephone exchange (not shown, col. 4 lines 25-28), data is transmitted between the subscriber terminal and the data network by using TCP/IP and HTTP protocols (implied as the reference teaches establishing web sessions, col. 3 lines 56-60) and an HTML description language (col. 4 lines 58-61).

Regarding claims 19, 21-22, Kuzama teaches the following: providing a signaling channel via the public switched telephone network for transmitting the data between an access unit existing in the digital telephone exchange for connecting the subscriber terminal and access point to the data network (col. 3 lines 19-43), step of integrating functions of an access point to the data network in an area of an access unit of a digital telephone exchange, transmitting data between an access unit for connecting the subscriber terminal and access which exhibit the functions of an access point via internal messages within the digital telephone exchange (col. 3 lines 28-42).

3. Claims 24-25, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuzama in view of Weinstein as applied to claim 17 above, and further in view of Patrick (EP 0684741).

Regarding claims 24-25, 29, the combination does not teach the following: the data is transmitted as a frequency shift keying signals from the subscriber terminal to the digital telephone exchange, the data is transmitted as a frequency shift keying signals from the digital telephone exchange to the subscriber terminal, the data are transmitted between the subscriber terminal and an access point to the data network using an analog display service interface protocol.

However, Patrick discloses connectionless information service delivery which teaches the following: the data is transmitted as a frequency shift keying signals from the subscriber terminal to the digital telephone exchange, the data is transmitted as a frequency shift keying signals from the digital telephone exchange to the subscriber terminal, the data are transmitted between the subscriber terminal and an access point to the data network using an analog display service interface protocol (col. 1, line 54 – col. 2, line 57).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: the data is transmitted as a frequency shift keying signals from the subscriber terminal to the digital telephone exchange, the data is transmitted as a frequency shift keying signals from the digital telephone exchange to the subscriber terminal, the data are transmitted between the subscriber terminal and an access point to the data network using an analog display service interface protocol as this arrangement would facilitate use of well known data transmission techniques for information transmission as taught by Patrick.

4. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuzama in view of Weinstein as applied to claim 17 above, and further in view of Ali et al. (US PAT: 6,233,323, filed 4-10-1998, hereinafter Ali).

Regarding claim 23, the combination does not teach the following: data are transmitted as a dual-tone multi-frequency signals (DTMF) from the subscriber terminal to the digital telephone exchange.

However, Ali teaches the following: transmitting data using DTMF signals (col. 1 lines 6-12).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: data are transmitted as a dual-tone multi-frequency signals (DTMF) from the subscriber terminal to the digital telephone exchange as this arrangement would provide another well known means of transmitting data as taught by Ali.

5. Claims 28, 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuzama in view of Weinstein as applied to claim 17 above, and further in view of Joong (US PAT: 6,549,776, filed 7-30-1999).

Regarding claims 28, 30-31, the combination does not teach the following: data are transmitted between the subscriber terminal and an access point to the data network using a wireless application protocol, connecting the digital telephone exchange to the gateway computer, and converting, via gateway computer, the data format of the data, originating from the subscriber terminal and subsequently transmitted into a data format according to one of TCP/IP protocol and a wireless application protocol into a format according to one of frequency shift keying signals and analog display service interface protocol

However, Joong discloses system and method and apparatus for pushing data in a direct digital call environment which teaches the following: data are transmitted between the subscriber terminal (105) and an access point (140, fig. 1) to the data network (1112) using a wireless application protocol, connecting the digital telephone

exchange (reads on 120, fig. 1) to the gateway computer (140, fig. 1), and converting, via gateway computer, the data format of the data, originating from the subscriber terminal and subsequently transmitted into a data format according to one of HTTP protocol and a wireless application protocol (col. 4 lines 3-18).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: data are transmitted between the subscriber terminal and an access point to the data network using a wireless application protocol, connecting the digital telephone exchange to the gateway computer, and converting, via gateway computer, the data format of the data, originating from the subscriber terminal and subsequently transmitted into a data format according to one of TCP/IP protocol and a wireless application protocol into a format according to one of frequency shift keying signals and analog display service interface protocol as this arrangement would make it possible for transmitting data using different protocols necessitated by application requirements as taught by Joong.

6. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuzama in view of Weinstein as applied to claim 17 above, and further in view of Christe, IV et al. (US PAT: 6,549,621, hereinafter Christe).

Regarding claim 32, the combination does not teach the following: transmitting text data from an access point to the data network into a memory of subscriber terminal, and transmitting formatting instructions for displaying the text data stored in the memory to the subscriber terminal.

However, Christe discloses method and system for integrating a computer and a telephone which teaches the following: transmitting text data from an access point (reads on 22, figs. 1-2) to the data network (24, fig. 2) into a memory of subscriber terminal, and transmitting formatting instructions for displaying the text data stored in the memory to the subscriber terminal (col. 5 lines 47-65).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: transmitting text data from an access point to the data network into a memory of subscriber terminal, and transmitting formatting instructions for displaying the text data stored in the memory to the subscriber terminal as this arrangement would facilitate the user to receive a message and display it on his terminal as taught by Christe, thus making it possible for the user to receive useful information during a data session.

Response to Arguments

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on M-F 6:30-4:00; every other F Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703)305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Melur Ramakrishnaiah
Primary Examiner
Art Unit 2643